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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE MUSEUM OF MODERN ART, and THE
SOLOMON R. GUGGENHEIM FOUNDATION,

Plaintiffs,

v.

JULIUS H. SCHOEPS,

Defendant.

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NOTICE OF MOTION OF DEFENDANT AND COUNTERCLAIMANT JULIUS H. SCHOEPS TO JOIN ADDITIONAL COUNTERCLAIMANTS AND TO FILE A FIRST AMENDED COUNTERCLAIM

Defendant and Counterclaimant Julius H. Schoeps (Schoeps) respectfully moves the Court for an Order under Fed.R.Civ.P. 20(a) permitting the joinder in this action of the alternative claims of Ms. Edelgard Lavergne-Peguilhen (Ms. Lavergne-Peguilhen) and Dr. Florence Kesselstatt (Dr. Kesselstatt) to recover the disputed Paintings in this proceeding, *Boy Leading a Horse* at the

Museum of Modern Art (MoMA), and *Le Moulin de la Galette* at the Solomon R. Guggenheim Museum (Guggenheim) (the Paintings), and to file A First Amended Counterclaim, which is being filed with the this Motion.

Pursuant to Local Rule 6.1(b), the schedule for service and filing of the parties' papers are as follows: the response of the plaintiff Museums, MoMA and Guggenheim, is due by June 16, 2008; the reply of Schoeps is due by June 23, 2008.

The Court has not yet set a date for oral argument of this Motion.

Respectfully submitted,

/S/

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